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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,827	03/09/2000	Tony M. Brewer	10992150-1	2277

22879 7590 04/05/2006

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EXAMINER

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ART UNIT PAPER NUMBER

2145

DATE MAILED: 04/05/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/521,827
Filing Date: March 09, 2000
Appellant(s): BREWER ET AL.

APR n 5 2006

Technology Center 2100

MHP
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 30 January 2006 appealing from the Office action
mailed 31 October 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,838,920	ROSBOROUGH et al.	11-1998
6,385,642	CHLAN et al.	05-2002
5774479	LEE et al.	06-1998

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6,385,642	JALILI et al.	06-1995
6,178,449	FORMAN et al.	01-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35.U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 14-16, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosborough (5,838,920).

3. For claims 1, 14, 20 and 24, Rosborough teaches a method (abstract) for executing a data operative transaction (col. 1, line 1 – col. 4, line 15) in a network (Fig. 1, #24) having a source site (Fig. 1, 28) and a destination site (Fig. 1, #32 *plus* #20), the method comprising the steps of:

- a. Transmitting an initial transaction request message from said source site to said destination site (col. 5, lines 38-65; service request packet);
- b. Receiving said transaction request message at said destination site (Figs. 4-6);
- c. Generating (Fig. 1, #20 and 36; Fig. 2) a data entry (Fig. 6A, #104) related to the progress of said data operative transaction in a destination database (col. 6, lines 30-60; records relating to particular threads and sessions); and

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- d. Preserving said association of said data entry with said data operative transaction in said destination database so long as said data operative transaction is active in said network (col. 7, lines 40-60; data entry is maintained at least until the completion packet is recorded).
4. For claim 2, Rosborough teaches executing said data operative transaction at said destination site, thereby producing transaction results (Fig. 4, service result packet).
5. For claim 4, Rosborough teaches transmitting said transaction results to said source site over said network (col. 5, lines 60-65).
6. For claim 15, Rosborough teaches that the reservation database is a content addressable memory (Figs. 6; inherent, as steps cannot be performed without content addressable memory).
7. For claim 16, Rosborough teaches that the source site comprises a processor (Fig. 12) and the destination site comprises a memory (Fig. 6; inherent as operations cannot be performed without processors and memory).
8. For claims 21-23, Rosborough teaches that said data operative transaction is one of a memory read and a memory write (col. 5, lines 30-45).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1, 2, 4 above, and further in view of Chlan et al. (6,385,642).

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11. For claim 3, Rosborough does not expressly disclose that, where a prospective operation will override said transaction results in a memory board, storing said transaction results in said destination database, thereby enabling retransmission of said transaction results if a further reservation request message is received at said destination site. Chlan teaches a method (abstract) of performing data operative transactions in a network (Fig. 1; col. 1, line 1 – col. 3, line 1) in which transaction results are stored in a destination database (Fig. 1, #26; Fig. 2, #208; cache files) that can be updated if results change (Fig. 2, #214). At the time the invention was made, one of ordinary skill in the art would have used Chlan transaction caching in a Rosborough system in order to better manage sessions and resources (col. 2, lines 10-30).

12. For claim 7, Rosborough does not expressly disclose that upon receiving a duplicate transaction request message, identifying the data entry in the destination database established for said data operative transaction, acquiring said transaction results, and retransmitting said acquired transaction results to said source site. Chlan teaches this method (col. 5, lines 10-45). At the time the invention was made, one of ordinary skill in the art would have added this feature to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

13. For claim 8, Rosborough does not expressly disclose retrieving said transaction results from said destination database. Chlan teaches this limitation (Fig. 1, #26). At the time the invention was made, one of ordinary skill in the art would have added this feature to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

14. For claim 9, Rosborough does not expressly disclose executing said data operative transaction in response to said duplicate transaction request message, thereby producing said transaction results. Chlan teaches this method (col. 5, lines 10-45). At the time the invention

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was made, one of ordinary skill in the art would have added this feature to Rosborough in order to better manage sessions and resources (col. 2, lines 10-30).

15. Claims 5, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1 and 14 above, and further in view of Lee et al. (5,774,479).

16. For claim 5, Rosborough does not expressly disclose transmitting another transaction request message if no response is received from said destination site at said source site within a source site time-out period. Lee teaches a method (abstract) of monitoring unreliable networks (col. 1, line 1 – col. 2, line 50) in which a redundant request is transmitted if no response is received (col. 3, lines 50-65). At the time the invention was made, one of ordinary skill in the art would have added retransmissions to Rosborough in order to ensure completion of transmissions (col. 1, lines 10-18).

17. For claims 6 and 19, Rosborough does not expressly disclose deleting said initial transaction request message from the network if said transaction request message does not reach said destination site within a request message time-out period, wherein said source site time-out period exceeds said request message time-out period to prevent having two transaction request messages simultaneously in transmission through said network. Lee teaches the deletion of alternate messages (Figs. 4-6). At the time the invention was made, one of ordinary skill in the art would have added Lee's redundant message cancellation method in order to minimize the number of messages transmitted (col. 1, lines 10-25).

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18. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1, 2, and 4 above, and further in view of Jalili et al. (5,423,042).

19. For claim 10, Rosborough does not expressly disclose receiving said transmitted transaction results at said source site and transmitting, from said source site to said destination site, a release request to delete said data entry associated with said data operative transaction in said destination database. Jalili teaches a method (abstract) of executing data transactions in a client-server network (col. 1, line 1 – col. 3, line 35) in which requests are tracked and performed (col. 3, line 50 – col. 4, line 50) in which a client can request said data removal (col. 8, lines 51-56). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

20. For claim 11, Rosborough does not expressly disclose receiving, at said destination site, said release request to delete said data entry associated with said data operative transaction, and deleting, within said destination database, said data entry associated with said data operative transaction, thereby liberating space in said destination database. Jalili teaches this limitation (col. 8, line 51 – col. 9, line 7). At the time the invention was made, one of ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

21. For claim 12, Rosborough does not expressly disclose transmitting, from said destination site to said source site, a release response message, thereby indicating that said data entry associated with said data operative transaction in said destination database has been deleted. Jalili teaches this limitation (col. 10, lines 40-55). At the time the invention was made, one of

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ordinary skill in the art would have added a Jalili deletion method to Rosborough in order to reallocate and save space (col. 9, lines 5-7).

22. Claims 13, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosborough as applied to claims 1, 14, and 16 above, and further in view of Forman et al. (6,178,449):

23. For claim 13, Rosborough teaches that the source site includes a processor (Fig. 12) but does not expressly disclose that the source site includes an agent device, or delegating said step of transmitting said initial transaction request message to said agent device. Forman teaches a method (abstract) of monitoring client-server transactions (col. 1, line 1 – col. 3, line 35) that utilize client agents for communication with the server (Figs. 3 and 4). At the time the invention was made, one of ordinary skill in the art would have used Forman's agent system in Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

24. For claim 17, Rosborough does not expressly disclose that the source site further comprises a processor agent device for conducting communication with said destination site, thereby enabling said processor to efficiently concentrate on other tasks. Forman teaches this limitation (col. 6, line 54 – col. 7, line 50). At the time the invention was made, one of ordinary skill in the art would have used Forman's agent system in Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

For claim 18, Rosborough does not expressly disclose that the source site further comprises a source site database for preserving an identification and a status of said data operative transaction until said transaction is complete. Forman teaches this limitation (Fig. 4,

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#480). At the time the invention was made, one of ordinary skill in the art would have used Forman's agent system in Rosborough in order to more efficiently determine transaction times (col. 4, lines 44-53).

(10) Response to Argument

Applicant's arguments filed 30 January 2006 have been fully considered but they are not persuasive. They will be described below, but concentrate on the definitions of source/destination sites, and of data entries.

Claim 1 (P. 5) is drawn to a network having a source site and a destination site. The examiner interprets the term "site" to encompass an area of one or more computer devices, including numerous computer elements separated either logically or physically. In other words, the examiner considers the source site to be the client computer, and considers the destination site to be the server computer, recording device, and monitoring computer, wherein the server computer receives the transaction request message from the client, performs the transaction, and transmits a response to the request message, while the recording device acts as part of the server system for the purposes of monitoring.

As for issues regarding the proximity, i.e. direct connection between the recorder and server devices, the purpose is to show how both may thus be combined into a logical entity, and therefore fulfill the definition of belonging to a single site. The purpose is also to show that one of ordinary skill in the art would find it obvious to combine them into a single physical entity, as they currently act as a single logical entity.

In Rosborough, the request and response messages are represented by service packets. The recording node within the destination site sees the packets and, “based on the node address or other thread identification information... determines if the service packet pertains to the client computer(s) and/or server computer(s) (e.g. threads) of interest. If so, the service packet is *recorded* and the time the service packet was read... (col. 6, lines 54-60).” In other words, the recording device generates data entries *based on* transmissions generated by the source and/or destination sites, and therefore the entries are related to the progress of each transaction, as represented by one or more threads.

For claim 2 (P. 6), applicant claims that Rosborough does not expressly disclose executing said data operative transaction at said destination site. Examiner notes, in the Fig. 4 description of Rosborough, that “A typical service request 52 begins with the service request packet 56... issued by... a client computer to a server computer.... When the server computer has completed processing the service request, the server computer sends a service results notification packet 64 to the client computer... [followed by] the service computer commences transmitting service results packets 72 (col. 5, lines 47-63). As for col. 5, lines 1-5, they represent further evidence regarding Rosborough teaching the tracking of a transaction via data entries as described above.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “destination device (P. 6)”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In*

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re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner considers destination device to be functionally different from destination site.

Re claims 20 and 24 (Pp. 6-7), examiner uses the step 1c discussion to teach the limitations of step 20c and step 24c. The analysis regarding destination site parameters and formation of data entries follows the claim 1 response above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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